

REMARKS

As a preliminary matter, Applicant's undersigned attorney is grateful for the consideration of the Examiner shown during an August 5 phone conference held to discuss the Final Action. Although no agreement was reached, the Examiner's comments were useful to advance prosecution of this case. The Examiner clarified his position regarding the Shaffer reference, and pointed out the Applicant's misunderstanding regarding Jang. Applicant's position with regards to "primary" users and streams was also discussed with regards to the disclosure of Belknap. The phone conference provided useful guidelines for the remarks that follow.

A. SHAFER FAILS TO DISCLOSE SIMULTANEOUS COMMUNICATION OF A PLURALITY OF VIDEO DATA STREAMS TO STANDARD USERS AS REQUIRED BY CLAIMS 11 AND 26

During the August 5 phone conference the citation to Shaffer as allegedly disclosing communication of a plurality of video data streams to each standard user as is required by several independent claims was discussed. The Examiner explained that while he agreed that Shaffer may not disclose "simultaneous" communication of a plurality of streams to each user, his position was that the independent claims were not limited to "simultaneous" communication of a plurality of streams. His position is that Shaffer does disclose communication of a plurality of streams (but not simultaneously) since a user might receive Stream A and later switch to Stream B (even though each user can only receive one stream at a time). The Examiner suggested that appropriate amendment might overcome his rejection, including amending claim 1 to specify that standard users receive a plurality of video streams "simultaneously." Applicant does not necessarily agree with the Examiner's interpretation of Shaffer and/or the claims, and has not made any amendments herein since it is believed that all independent claims are allowable for reasons other than the shortcomings of Shaffer as discussed below.

It is submitted, however, that at least claims 11 and 26 in their current form require simultaneous communication of a plurality of video data streams to each standard user. Independent claim 26 requires, in part, "...communicating said primary stream to said primary meeting attendee using said primary port *while continuing to communicate said plurality of real time data streams to each of said standard users ...*" Claim 11 depends from claim 1, and requires first and second primary streams be communicated to first and second primary users, and further requires "... while each of said first video data streams continue to be communicated from each of said standard users to all others of said standard users." It is submitted that these portions of claims 11 and 26 require that a plurality of real time video data streams be simultaneously communicated to each standard user.

Shaffer does not disclose these limitations of claims 11 and 26, and the rejection of these claims should therefore be withdrawn.

B. "PRIMARY" USERS AND STREAMS ARE NOT "DOMINANT" — WITH THE RESULT THAT ALL CLAIMS ARE ALLOWABLE

Each of the claims requires both "standard users / attendees" and at least one "primary user / attendee," and further requires two different classes of video data streams: "first streams" communicated to standard users and at least one "primary stream" communicated to a primary user(s) (although claim 26 does not use the term "first stream"). As discussed during the August 5 phone conference, the Examiner may have misunderstood the meaning of the term "primary" as used in the claims to relate to "dominant" data streams discussed in some prior art references. This misunderstanding affects the rejections of all of the claims.

B.(1) IN AT LEAST SOME CLAIMED EMBODIMENTS "PRIMARY" USERS ARE LOW BANDWIDTH USERS

As explained during the August 5 phone conference, in at least some claimed embodiments, "primary users" may be thought of as "low bandwidth users" that are

communicating with a meeting at a lower bandwidth than are “standard users.” These “primary users” receive only a “primary” stream(s) communicated at a lower bandwidth than the plurality of “first” data streams being communicated to the “standard users.” Further, the primary stream is required to be selected from the first streams – it is a “subset” of the larger set of first streams.

This is an important aspect of many claimed invention embodiments, and can, for example, allow limited bandwidth “primary” users to participate in a meeting between “standard” users that have greater bandwidth resources. As explained in the specification: “... the primary users are able to receive a limited subset of the overall data streams being communicated between standard users A-D. By way of example, a single speaker may be seen and heard. Because of the limited data being communicated, substantially lower bandwidth is required.” Page 8.

As discussed during the August 5 phone conference, at least some claimed configurations therefore result in at least two classes of users – (1) “standard users” each receiving a plurality of “first” video streams and (2) at least one “primary” user receiving at least one “primary” video stream (which is a subset of the set of larger “first” video streams) at a lower bandwidth.

B.(2) BELKNAP FAILS TO DISCLOSE THAT COMMUNICATION OF A PRIMARY STREAM REQUIRES LESS BANDWIDTH THAN COMMUNICATION OF A PLURALITY OF FIRST STREAMS

Independent claims 1, 21 and 26 require, among other elements, that communication of a “primary” data stream to at least one “primary” user(s) requires less bandwidth than does communication of the *plurality* of first video data streams to “standard users” (although claim 26 does not use the term “first” for the standard user data streams). Put another way, each of these claims require that a first set of “standard users” *each* receive a *plurality* of “first” video data streams, while one or more “primary users” receive one or more “primary” video data streams (selected from the “first” streams) at a lower bandwidth.

Similarly, claim 20 requires that a “primary” user be connected to the meeting with a bandwidth connection that is less than that used to connect the “standard” users, and that a primary stream is communicated to the primary user while a *plurality* of first streams are communicated to *each* of the standard users.

The Final Action admits that Shaffer and Jang (either alone or in combination) fail to disclose or suggest this, and instead cites Belknap for disclosure of this element. However, as pointed out in Amendment C and discussed during the phone conference, Belknap fails to disclose this. Instead of communicating a “primary data stream(s)” to a primary user while also communicating a *plurality* of first streams to “standard users” at a higher bandwidth, Belknap only communicates the *same single stream* to all users.

Belknap teaches sending a *single video stream* to internet users at a low bandwidth while that *same stream* is simultaneously sent to intranet / ISDN users at a higher bandwidth: “(VideoCharger) allows a ... *single video stream* to be sent to multiple clients...” col. 2, lines 7-8 (emphasis added), and; “The VideoCharger ... offers a solution for both the Internet environments as well as the Intranet. For the Internet clients ... typically connected via slower network connections, VideoCharger will support the delivery of Low Bit Rate video (LBR). ... The LBR video can be encoded at higher quality rates to provide higher resolution ... (for) clients which are connected via ISDN modems, cable modems or an Intranet network.” Col. 27, lines 52-65.

Belknap’s disclosure is therefore very different from the requirements of independent claims 1, 20, 21 and 26. For this reason, it is requested that the rejections of the claims be reconsidered.

C. SEVERAL DEPENDENT CLAIMS ARE ALLOWABLE ON INDEPENDENT GROUNDS

All of the independent claims are allowable for reasons set forth above. Several dependent claims are allowable on independent grounds as well.

C.(1) SHAFFER FAILS TO DISCLOSE THE TWO INTERFACES / PORTS OF CLAIMS 5 AND 10 (AND INDEPENDENT CLAIM 26)

Claim 5 depends from claim 1 and further requires that the plurality of first video data streams being communicated to the standard users occur over a first interface, and wherein the primary video data stream be communicated to the primary user using a second interface. Claim 10 depends from claim 1 and further requires that the plurality of first video data streams be monitored using one or more standard ports and the step of communicating at least one primary stream to a primary user is performed simultaneously using a primary port that is different from the one or more standard ports.

Shaffer has been cited as disclosing these limitations. As discussed during the phone conference, however, Shaffer (and other references) fails to disclose the required “primary” stream being communicated to a primary user in addition to communication of a plurality of “first streams” to standard users. As a result, Shaffer cannot disclose a first interface communicating a primary stream to a primary user and a second interface simultaneously communicating a plurality of first streams to standard users as required by claim 5, or the standard port(s) communicating a plurality of video data streams to each standard user simultaneous with communication of a primary stream over a primary port to a primary user(s) as required by claim 10. It is further noted that a similar limitation is included in independent claim 26, and that this forms another basis for the allowability of that claim.

C.(2) SHAFFER FAILS TO DISCLOSE FIRST AND SECOND PRIMARY STREAMS THAT ARE DIFFERENT FROM ONE ANOTHER AS REQUIRED BY CLAIM 11

Claim 11 depends from claim 1 and further requires that the at least one primary data stream comprises two primary streams that are different from one another, and that the different primary streams are communicated to different primary users. Put another way, claim 11 requires *three distinct sets of data streams and recipients*: (1) “standard” users each of whom receives a *plurality* of first video streams, (2) a first “primary” user

simultaneously receiving a first primary stream(s), and (3) a second “primary” user simultaneously receiving a second primary stream(s) that is different from the first primary stream. In addition, both the first and second primary streams must be selected from the “first” streams.

The Office Action cites Fig. 3B of Shaffer as disclosing this. It is submitted that this is incorrect, however, since that Fig. fails to illustrate three different sets of data streams being sent to three different users – it shows only Video A and Video B. Also, as discussed during the phone conference, Shaffer fails to disclose primary user(s) receiving a primary stream(s) *while a plurality* of video data streams continue to be communicated to *each* standard user (as further discussed above). Finally, claim 11 requires that the first and second primary stream be selected from the first streams – put another way, the primary streams must be “subsets” of the first streams. This inherently cannot be the case with Video A or Video B shown in Shaffer since neither can be a subset of the other.

C.(3) BELKNAP FAILS TO DISCLOSE THAT COMMUNICATION OF A PRIMARY STREAM REQUIRES LESS BANDWIDTH THAN COMMUNICATION OF A PLURALITY OF FIRST STREAMS AS IS REQUIRED BY CLAIM 30

Claim 30 depends from claim 20 and further requires that communication of the primary audio and video data stream to the primary users requires less bandwidth than does communication of the plurality of first video and audio data streams communicated to the standard users. The Final Action admits that Shaffer and Jang (either alone or in combination) fail to disclose or suggest this, and instead cites Belnap for disclosure of this element. As discussed above and during the August 5 phone conference, however, Belnap fails to disclose this. Instead of communicating a primary data stream to a primary user while simultaneously communicating a plurality of first streams to standard users at a higher bandwidth, Belnap only teaches communicating the *same single stream* to all users at different bandwidths. Col. 2, lines 7-8; col. 27, lines 52-65.

D. CONCLUSION


In conclusion, it is submitted that Belknap nor any other prior art reference discloses the “primary / standard user” and “primary / first” video stream configurations required by all of the claims. For this reason, reconsideration of the obviousness rejections of the above referenced claims is requested.

Other claims are allowable for other reasons as discussed above, including the failure of Shaffer to disclose the communication of a plurality of video data streams to standard users as is required by (at least) claim 26. Applicant notes that although comments herein have not addressed several shortcomings of the Shaffer, Jang, Ho or Baker references that have been previously discussed, Applicant reserves the right to make further argument and assertions regarding these and other cited references in an appeal if necessary.

Respectfully submitted,

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